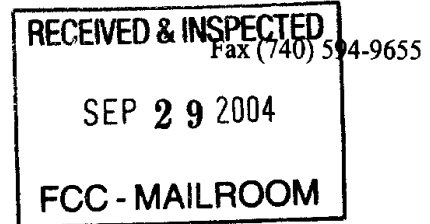


Tom Taggart
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September 21, 2004

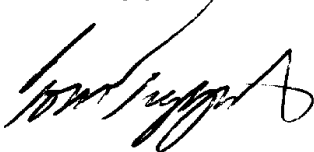
Marlene H. Dortch
Office of the Secretary,
Federal Communication Commission
445 Twelfth St. SW TW-A325
Washington, D.C. 20554

RE: MB Docket No. 04-343
(Cridersville, Ohio)

Madame Secretary:

Enclosed please find and original and four copies of *Comments* filed on behalf of
Bluffton University to the proposed allotment of Ch. 257A at Cridersville, Ohio, MB docket No.
04-343, RM 10799.

Sincerely yours,

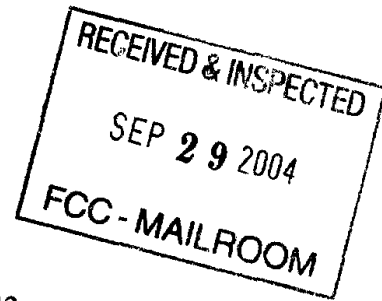


Tom Taggart

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554



In the matter of :
Amendment of Section 73.202(b) : MB docket No. 04-343
FM Table of Allotments : RM-10799
(Cridersville, Ohio) :

Comments of Bluffton University
Bluffton, Ohio

Bluffton University (formerly Bluffton College), is a private, four year institution of higher education located in Bluffton, Ohio. Bluffton is in Allen County, Ohio, approximately 24 kilometers (15 miles) north-east of Lima, Ohio. Bluffton University is the licensee of WBWH-LP, a low-power FM station operating on 99.3 MHZ, Ch. 257.

Cridersville, Ohio is located in Auglaize County, Ohio, exactly on the Auglaize/Allen county line. While Petitioner Dana J. Puopolo proposes to allot Ch. 257A to Cridersville, the site coordinates indicated by the Commission (40° 45' 20", 84° 06' 39") are within the city limits of the City of Lima. A class A station at these allocation coordinates would provide city-grade coverage of Lima. Lima is an Arbitron condensed market, #241, with a 12+ population of 129,000. Hence, this is essentially a proposal to add an additional channel to the Lima, Ohio market.

Allocation of Ch. 257A to Lima/Cridersville would preclude operation of WBWH-LP once a station is eventually built. LPFM appears to be a secondary service, Sec. 73.509. Preliminary inquiry reveals two other channels that may meet minimum separation requirements of Sec. 73.807 at the WBWH-LP site. Section 73.875 would require that Bluffton University file

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an application for a construction permit to change the operating frequency of WBWH-LP, but this chapter is not clear what other requirements must be met.

As secondary broadcast services, an LPFM station is similar to a "class D" FM station. Under Section 73.512, where a grant of a new or modified commercial broadcast construction permit would cause the Class D station to interfere with that facility when built, the Class D station could apply for a construction permit to change to another unreserved channel the meets interference protection criteria to other stations.

Section 73.875 implies the same result, but does not specifically state that this option is available to an authorized LPFM. As a practical matter, this channel, 257A, if allotted to Cridersville or Lima, will lay fallow until such time as the Commission organizes another auction of FM broadcast channels. Presumably, until this future auction is complete, and the new commercial station is built, WBWH-LP could continue to operate on Ch. 257. Once any future auction is complete, however, would Section 73.875 permit WBWH-LP to file for a permit to move to another fully-spaced channel in the non-reserved band?

Since there will be other LPFM's facing this dilemma in the future, this proceeding would be an opportunity to set forth the procedure that WBWH-LP, and other similarly situated LPFM's must follow if they in a danger of being bumped from their present frequency by new or modified commercial broadcast proposals.

Respectfully submitted by:



Thomas P. Taggart, Ohio Bar #0003676
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FAX (740) 594-9655

Certificate of Service

A copy of the foregoing has been sent by first class mail, postage prepaid, this 21st day of September, 2004, to Dana J. Puopolo, 2134 Oak Street, Unit C, Santa Monica California, 90405.

A handwritten signature in black ink, appearing to read "Thomas P. Taggart", written in a cursive style.

Thomas P. Taggart